

AMENDED APPENDIX I (May 8, 2006)

**PLAN FOR THE
COMPOSITION, ADMINISTRATION AND MANAGEMENT OF THE PANEL OF
PRIVATE ATTORNEYS UNDER THE CRIMINAL JUSTICE ACT¹**

I. COMPOSITION OF PANEL OF PRIVATE ATTORNEYS

A. CJA Panel.

1. Approval. The Court shall establish a panel of private attorneys (hereinafter referred to as the “CJA Panel”) who are eligible and willing to be appointed to provide representation under the Criminal Justice Act. The Court shall approve attorneys for membership on the Panel after receiving recommendations from the “Panel Selection Committee,” established pursuant to Paragraph B of this Plan. Members of the CJA Panel shall serve at the pleasure of the Court.

2. Divisions. The District of Idaho shall be divided into three divisions for the purpose of this Plan and there shall be a separate roster of attorneys for each division within the CJA Panel. The counties included in the divisions are as follows:

Southern Division:

Ada		
Adams	Elmore	Owyhee
Blaine	Gem	Payette
Boise	Gooding	Twin Falls
Camas	Jerome	Valley
Canyon	Lincoln	Washington

Northern /Central Divisions:

Benewah	Kootenai
Bonner	Latah
Boundary	Lewis
Clearwater	Nez Perce
Idaho	Shoshone

¹ This Appendix applies to the administration of the CJA Panel for all criminal proceedings except those cases where counsel is appointed under 21 U.S.C. § 848(q). The administration of CJA Capital Habeas Panel is governed by Part VII of this CJA Plan.

Eastern Division:

Bannock	Clark	Madison
Bear Lake	Custer	Oneida
Bingham	Franklin	Power
Bonneville	Fremont	Teton
Butte	Jefferson	Cassia
Caribou	Lemhi	Minidoka

3. Size. The Court shall fix, periodically, the size of the CJA Panel. The Panel shall be large enough to provide a sufficient number of experienced attorneys to handle the CJA caseload, yet small enough so that Panel members will receive an adequate number of appointments to maintain their proficiency in federal criminal defense work, and thereby provide a high quality of representation.
4. Eligibility. Attorneys who serve on the CJA Panel must be members in good standing of the federal bar of this District, have demonstrated experience in, and knowledge of, the Federal Rules of Criminal Procedure, the Federal Rules of Evidence, the Sentencing Guidelines, have been admitted to practice for at least three years, and be a registered ECF participant.
5. Continuing Legal Education. Attorneys who serve on the CJA Panel are expected to have eight (8) hours of continuing legal education in criminal and constitutional law areas every two years.
6. Equal Opportunity. All qualified attorneys shall be encouraged to participate in the furnishing of representation in CJA cases, without regard to race, color, religion, sex, age, national origin or disabling condition.
7. Application. Application forms for membership on the CJA Panel shall be obtained from the Court's website at: www.id.uscourts.gov, under Attorney Resources / CJA. Completed applications shall be submitted via e-mail to the Clerk of Court who will transmit the applications to the Chairperson of the Panel Selection Committee.

B. Panel Selection Committee.

1. Membership. A Panel Selection Committee shall be established by the Court. The Committee shall consist of one district judge, one magistrate judge, at least one attorney, and the Executive Director of Federal Defenders or a designated representative. The Committee shall be chaired by the district judge.

2. Duties.

- a. The Panel Selection Committee shall meet at least once a year to consider applications from attorneys to be on the CJA Panel. The Committee shall review the qualifications of applicants and recommend, for approval by the Court, the best qualified applicants.

At its annual meeting, the Committee shall also review the operation and administration of the Panel over the preceding year, and recommend to the Court any changes deemed necessary or appropriate by the Committee regarding the appointment process and Panel management. The Committee shall also inquire annually as to the continued availability and willingness of each Panel member to accept appointments.

- b. If at any time during the course of a year the number of vacancies due to resignation, removal, or death, significantly decreases the size of the Panel, the Committee shall convene a special meeting to review the qualifications of the pending applicants, and select prospective members for recommendation to the Court for approval.
- c. When the Committee submits the names of applicants for Panel membership to the Court for approval, the Committee shall furnish information to the Court regarding recruitment efforts undertaken by the Committee in furtherance of the Equal Opportunity statement in Paragraph I.A.4. of this Model Plan. At least once each year the Committee shall provide the Court with information on the Panel of attorneys in each of the categories listed in Paragraph I.A.4. of this Model Plan.

C. CJA Training Panel.

The Panel Selection Committee may establish a “CJA Training Panel,” consisting of attorneys who do not have the experience required for membership on the CJA Panel. Training Panel members may be assigned, by the Court, to assist members of the CJA Panel in a “second chair” capacity. Training Panel members are not eligible to receive appointments independently, and shall not be eligible to receive compensation for their services in assisting CJA Panel members. Prior service on the CJA Training Panel is not a requirement for membership on the CJA Panel, nor will service on the Training Panel guarantee admission of an attorney to the CJA Panel.

II. SELECTION FOR APPOINTMENT

A. Maintenance of List and Distribution of Appointments

The Clerk of Court shall maintain a current list of all attorneys appointed to the CJA Panel, with current office addresses and telephone numbers, as well as a statement of qualifications and experience. The Clerk shall furnish a copy of this list to each district judge and magistrate judge. The Clerk shall also maintain a public record of assignments to private counsel, and, when appropriate, statistical data reflecting the proration of appointments between attorneys from the Community Defender Organization and private attorneys, according to the formula described in the CJA Plan for the District.

B. Method of Selection.

Appointments from the list of private attorneys should be made on a rotational basis, subject to the Court's discretion to make exceptions due to the nature and complexity of the case, an attorney's experience, and geographical considerations. This procedure should result in a balanced distribution of appointments and compensation among the members of the CJA Panel, and quality representation for each CJA defendant. Attorneys who, in the opinion of the Court, consistently refuse to accept cases when it would otherwise be their turn for an appointment, shall be removed from the list.

However, when the district judge presiding over the case, or the chief judge if a district judge has not yet been assigned to the case, determines that the appointment of an attorney, who is not a member of the CJA Panel, is in the interest of justice, judicial economy or continuity of representation, or there is some other compelling circumstance warranting his or her appointment, the attorney may be admitted to the CJA Panel *pro hac vice* and appointed to represent the CJA defendant. Consideration for preserving the integrity of the panel selection process suggests that such appointments should be made only in exceptional circumstances.

Upon the determination of a need for the appointment of counsel, the district judge or magistrate judge shall notify the Clerk of Court of the need for counsel and the nature of the case.

The Clerk of Court shall advise the district judge or magistrate judge as to the status of distribution of cases, where appropriate, as between the Community Defender Organization and the Panel of private attorneys. If the magistrate judge or district judge decides to appoint an attorney from the Panel, the Clerk shall determine the name of the next Panel member on the list who has handled, or assisted in, a case of equal or greater complexity than the case for which appointment of counsel is required, and who is available for appointment, and shall provide the name of the

appointing district judge or magistrate judge. In the event of an emergency, i.e., weekends, holidays, or other non-working hours of the Clerk of Court's office, the presiding judge or magistrate judge may appoint any attorney from the list. In all cases where members of the CJA Panel are appointed out of sequence, the appointing district judge or magistrate judge shall notify the Clerk of Court as to the name of the attorney appointed and the date of the appointment.

III. COMPENSATION - FILING OF VOUCHERS

Claims for compensation shall be submitted, on the appropriate CJA form, to the office of the Clerk of Court. The Clerk of Court shall review the claim form for mathematical and technical accuracy, and for conformity with the Guidelines for the Administration of the Criminal Justice Act (Volume VII, Guide to Judicial Policies and Procedures) and, if correct, shall forward the claim form for the consideration and action of the presiding district judge or magistrate judge.

5/8/06